

Appl. No. 10/037,195
Response dated 02/09/04
Reply to Office Action of 07/02/2003

REMARKS / ARGUMENTS

In his July 2, 2003 Office Action, the Examiner rejected all pending claims (claims 1, 4-9, 12-15) under the judicially created doctrine of obviousness-type double patenting over claims 1 - 18 of the parent Application (now U.S. Patent 6,316,135) of this pending Application, in view of either Creeron et al. (U.S. Patent 5,571,420) or Mohring et al. (U.S. Patent 4,326,086). In that Office Action, the Examiner also stated that: "A timely filed terminal disclaimer in compliance with 37 C.F.R. 1.321(c) may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application."

The undersigned conferred with the Examiner shortly after receipt of the July 2, 2003 Office Action to make sure a proper terminal disclaimer would overcome the rejection of all pending claims, and the Examiner responded that it would overcome the rejection. Applicants then authorized preparation of such a terminal disclaimer. On September 11, 2003, the undersigned prepared and filed a terminal disclaimer and an accompanying fee payment and Fee Transmittal form for the terminal disclaimer. Attached hereto as Exhibit A is a copy of that terminal disclaimer.

In his February 2, 2004 Communication, the Examiner indicated that the Terminal Disclaimer had been filed, but that no actual response or amendment had been received. The undersigned conferred with the Examiner on Feb. 5, 2004 to make sure this Response would be satisfactory. The undersigned expresses his regret for any

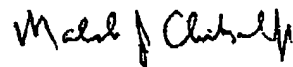
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inconvenience caused by simply filing the terminal disclaimer without a Response document, and also thanks the Examiner for his generous assistance and guidance.

By this Response, the Applicants hereby state that they accept the Examiner's July 2, 2003 rejection of all pending claims (Claims 1, 4-9, 12-15), and respectfully request that the Examiner remove that rejection in light of the September 11, 2003 filing of Applicants' terminal disclaimer.

Additionally, the Applicants urge that the specification and claims are now in condition for allowance, and therefore the Applicants respectfully request a Notice of Allowance.

Respectfully submitted,
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